

ENTERED

August 19, 2022

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO ENRIQUEZ, *also*
known as Panchito

Defendant.

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Criminal Action No. H-17-422-19

ORDER

On August 15, 2022, a hearing was held in accord with a motion to set bond hearing (Document No. 264). The Court makes the following findings of fact and conclusions of law:

Defendant Francisco Enriquez ("Enriquez") is currently under indictment, along with twenty-eight others, as part of an alleged drug conspiracy. On November 11, 2017, a grand jury indicted Enriquez on four counts: (1) conspiracy to possess with intent to distribute; (2) conspiracy to manufacture/distribute a controlled substance for the unlawful purpose of importation; (3) conspiracy to import a controlled substance; and (4) possession with intent to distribute. On December 23, 2020, a magistrate judge in the Western District of Texas granted Enriquez an unsecured \$50,000 bond. On February 3, 2021, the Western District of Texas

transferred documentation regarding Enriquez's case to the Southern District of Texas. On February 24, 2021, Enriquez was arraigned before a Houston Division magistrate judge, who continued Enriquez's unsecured bond. On June 28, 2022, the Court held a counsel determination hearing to address the fact Enriquez had not acquired new counsel. At that hearing, Enriquez represented he was unable to pay for new counsel because he was waiting to get his retainer back from his former counsel. The Court ordered Enriquez to either retain new counsel by noon on July 6, 2022, or to appear for another counsel determination hearing on July 8, 2022 at 1:45 pm if no new counsel had been retained. July 6, 2022 passed with no new appearance filed on behalf of Enriquez. On July 8, 2022, Enriquez failed to appear in the courtroom at the appointed time. Accordingly, the Court issued a bench warrant for the arrest of Enriquez. Late in the afternoon of July 8, 2022, an attorney filed an appearance on behalf of Enriquez. The Court set a hearing to determine whether Enriquez should be given new bond. The hearing took place before the undersigned district court judge on August 15, 2022.

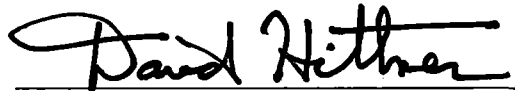
Enriquez did not appear before the Court as ordered on July 8, 2022. One of the conditions of Enriquez's bond was that "bond may be forfeited if [he] fail[ed] to appear for court proceedings" ¹ Enriquez did not appear at the appointed time

¹ *Rule 5(c)(3) Documents from the Western District of Texas*, Document No. 730 at 43.

despite having failed to ensure he retained counsel to file an appearance on or before July 6, 2022.

Revocation of release is governed by 18 U.S.C. § 3148. Pursuant to 18 U.S.C. § 3148(b)(1)(B), the court finds by clear and convincing evidence that Enriquez has violated the terms of his pretrial release. Due to his failure to appear in Court on July 8, 2022, the Court finds, pursuant to 18 U.S.C. § 3148(b)(2)(B), that Enriquez is unlikely to abide by any condition or combination of conditions of release. Therefore, Enriquez's bond is revoked and he is ordered detained pending trial in this matter.

SIGNED at Houston, Texas, on this 18 day of August, 2022.

A handwritten signature in black ink, reading "David Hittner", written over a horizontal line.

DAVID HITTNER
United States District Judge